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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,241	10/14/2004	You-seok Jang	P26121	9008

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RESTON, VA 20191

EXAMINER
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LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/510,241

Applicant(s)

JANG, YOU-SEOK

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 7-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some.\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/18/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the second office action for Application No. 10/510,241, Mouse Pad, filed on 10/14/04. This application contains 16 claims numbered 1-16. Claims 15-16 have been added by the preliminary amendment filed October 14, 2004.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 1/18/05 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Election/Restrictions***

Applicant's election with traverse of the species of Figures 2-3, claims 1-2 and 6 in the reply filed on 01/30/06 is acknowledged. The traversal is on the ground(s) that "the search of all of the identified species would be substantially coextensive, there would be no serious burden on examiner to examine all the claims of the present application". This is not found persuasive because applicant's general allegation of a coextensive search is unsubstantiated. Nevertheless, the determination of whether or not there is a serious burden involves more than the question of what is the field of search. One must also take into account the burden of having to consider and examine all of the separate issues of patentably distinct species. Accordingly, since applicants are alleging no burden, is it their position that the species are not patentably distinct? If so, then applicants should clearly admit this on the record. In summary,

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applicants have failed to make a proper showing that there is no serious burden on the Examiner or otherwise clearly admit on the record that the species are not patentably distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-2 and 6 are readable to the elected species. Accordingly, claims 3-5 and 7-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,357,703 to DiOrio.

As to claim 1, DiOrio teaches a computer mouse and arm rest comprising a pad part having a flat plate shape (39, 32), the pad part having a mouse (16) put thereon to drive; and a wrist support part (30, 39) having a wrist support cushion (cushioning material 39) installed to support a user's wrist, wherein the pad part and the wrist support part are separated from each other (by a hinge part (26) to enable a revolving operation, and wherein a tilt angle adjusting

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means (Fig. 9 or Fig. 10 for example) for adjusting a tilt angle of the pad part is installed under the pad part.

DiOrio discloses the claimed invention except for the pad part and the wrist support part that are separated apart from each other wherein the pad part is detachably coupled with the wrist support part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pad part and the wrist support part separated apart and detachably coupled with each other since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

As to claim 2, DiOrio also teaches a rotational shaft (a hinge pin (26c) is built in one body along one side edge of the pad part and wherein a coupling groove (considers where the pin inserted) having the rotational shaft inserted therein for assembly is built in one body of one side edge of the wrist support part.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiOrio in view of US Patent No. 5,219,136 to Hassel et al.

DiOrio teaches one of the adjusting means being suction cups (98) secured to the bottom surface of the pad part by fasteners 100 with spacers 102 which allow for the tilt of the arm support port (24) but does not teach a plurality of coupling bosses formed vertically on a lower surface of the pad part; and a plurality of tilt angle adjusting bolts screwed to the coupling bosses, respectively,

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wherein the tilt angle of the pad part is adjusted by controlling a coupling amount of the tilt angle adjusting bolts.

Hassel et al. as illustrated on Figure 4 for example, teaches what appears to be equivalent to what claimed.

It would have been obvious and well within the level of ordinary skill in the art to modify the structure of DiOrio to include a plurality of coupling bosses formed vertically on a lower surface of the pad part; and a plurality of tilt angle adjusting bolts screwed to the coupling bosses, respectively, wherein the tilt angle of the pad part is adjusted by controlling a coupling amount of the tilt angle adjusting bolts as in Hassel et al. To adjust the desired height or angle since such structure are conventional alternative structures used in the same intended purpose, thereby providing structure as claimed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,547,194 to Harvey

5,197,699 to Smith et al.

5,125,606 to Cassano et al.

5,927,662 to West et al.

6,279,859 to West et al.

US2001/0001629 to Udo et al.

US 2005/0218271 to Jang

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The above patents disclose various types of mouse pads for computer users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
Patent examiner  
March 17, 2006.